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FM AMEMBASSY RANGOON  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7208  
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RUCNASE/ASEAN MEMBER COLLECTIVE  
RUEHGG/UN SECURITY COUNCIL COLLECTIVE  
RUEHBY/AMEMBASSY CANBERRA 0923  
RUEHNE/AMEMBASSY NEW DELHI 4484  
RUEHUL/AMEMBASSY SEOUL 8014  
RUEHKO/AMEMBASSY TOKYO 5575  
RUEHCHI/AMCONSUL CHIANG MAI 1393  
RHHMUNA/CDR USPACOM HONOLULU HI  
RUCNDT/USMISSION USUN NEW YORK 1352  
RUEKJCS/SECDEF WASHDC  
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000134

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DEPT FOR EAP/MLS, DRL, AND IO  
PACOM FOR FPA

E.O. 12958: DECL: 02/19/2018

TAGS: PGOV PREL PHUM BM

SUBJECT: BURMA: CONSTITUTION FINISHED; NLD GIRDS FOR A FIGHT

REF: A. RANGOON 73

1B. RANGOON 100

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Classified By: P/E Chief Leslie Hayden for Reasons 1.4 (b) & (d)

11. (C) Summary: The GOB announced it has completed drafting the new constitution, but gave no information when the final draft would be published. Foreign Minister Nyan Win acknowledged to Singapore Foreign Minister Yeo that stipulations in the new constitution would disqualify Aung San Suu Kyi from running in any future elections. Her NLD party responded that the Minister's statement was premature, as the Burmese had not yet approved the proposed constitution in a referendum. The NLD is planning a vote "no" campaign in preparation for the referendum, but are prepared to accept a "yes" vote if the referendum procedures are reasonably free and fair. NLD spokesman Nyan Win confirmed rumors that Aung San Suu Kyi had admonished the Uncles during their last meeting with her for not being sufficiently courageous and inclusive. End summary.

12. (U) On February 19, the GOB announced the Commission for Drafting the State Constitution had completed drafting Burma's new constitution. The article in the regime's mouthpiece daily, The New Light of Myanmar, gave no information regarding when the draft constitution would be published or released to the public for examination and discussion prior to the May referendum. Sources tell us the proposed constitution may be published two weeks from now, if the regime decides to publish it at all.

13. (U) Early this morning, Reuters published a report that Burmese Foreign Minister Nyan Win recently told Singapore Foreign Minister George Yeo that Aung Sang Suu Kyi would be disqualified for participating in the 2010 elections because Burma's new constitution stipulated that Myanmar citizens who "had foreign husbands or children not citizens of Myanmar will be disqualified, as it was in Burma's 1974 constitution."

14. (SBU) Singapore Ambassador Robert Chua told pol/econ chief that the remarks were made during a dinner cruise with

the ASEAN foreign ministers on the first night of the ongoing ASEAN retreat. During the cruise, Burmese FM Nyan Win briefed the ministers on the GOB's recent announcement that a referendum on the new constitution would be held this May, and multi-party elections in 2010. Chua told us that, after the briefing, the foreign ministers were skeptical about the details (or lack thereof) of the GOB's plan to implement the referendum. The ministers emphasized to Nyan Win that the referendum must have "integrity of process" and international credibility.

**¶15.** (SBU) During the briefing, Nyan Win made clear that anyone who held a foreign passport, or whose children held a foreign passport, would be banned from participating in the 2010 election. He did not single out ASSK, but when asked by Singapore FM Yeo if she would be disqualified under this provision, Nyan Win acknowledged she would.

**¶16.** (SBU) In a briefing to the press after the cruise, FM Yeo said that such an eligibility requirement was not in keeping with the times, and would be odd in any ASEAN country. However, Yeo added, "this is their own country, their own history, so what can we do about it?" Chua confirmed that Nyan Win did not say that the NLD party would be banned from participating in the elections, only ASSK. Chua added that the ASEAN ministers urged the GOB to allow Gambari to visit Burma on a continuing basis.

**¶17.** (U) NLD spokesman Nyan Win reacted to the Foreign Minister's statement by pointing out that the assumption that ASSK would be disqualified from participating in future elections was premature. No election law had been announced yet, and the referendum had not yet been held. The GOB was assuming the Burmese people would approve their proposed constitution.

**¶18.** (C) Asked about the NLD's plans to prepare for the

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referendum, Nyan Win said the NLD was preparing to mobilize people to vote "no" through an educational campaign that would highlight that the proposed constitution simply prolonged and entrenched Burma's military dictatorship. The NLD had no plans to encourage Burmese to boycott the referendum, but would rather encourage participation. If the procedures of the referendum were seen as reasonably free and fair, Nyan Win emphasized, the NLD would not contest the results, even if the majority of Burmese voted to approve the constitution. Nyan Win reported the NLD leadership had relayed this plan to ASSK, who had communicated her approval.

**¶19.** (C) Nyan Win continued that the NLD would likely announce soon that they will bring a lawsuit against the GOB for violating the 1989 election law, which stipulated that the Parliament elected in the 1990 elections would draft the constitution.

**¶10.** (C) When questioned about rumors that there had been strong words exchanged between the Uncles and ASSK during their last meeting (Ref A), Nyan Win (who was present during the meeting) confirmed that ASSK admonished the Uncles for being too cautious and told them that now was the time to leave their caution behind. She also scolded the Uncles for not working more closely with opposition groups outside of the NLD and instructed them to reach out to the ethnic minority groups. Nyan Win said that, even after this meeting, the Uncles were reluctant to issue their statement inviting the ethnic cease-fire groups to meet with them, and had to be pushed by other members of their party to do so (Ref B).

**¶11.** (C) Other opposition groups are also preparing for the referendum. Today, Burma's Veteran Politicians issued an open letter to Than Shwe requesting that the draft constitution be circulated before the referendum; that there be secret ballots; that UN or international observers be

allowed to monitor the vote; and that all citizens be allowed to vote, including political prisoners. 88 Generation and youth opposition groups are also preparing for the referendum (septel).

¶12. (C) Comment: Based on the principles for the new constitution adopted at the regime's sham constitution drafting convention, we have long expected the regime to ban ASSK's participation in future elections, as they did in the 1990 elections. She is also likely to be disqualified from holding the office of president, as the new constitution is expected to require that any future presidents must have served in the military. We are watching closely for any moves by the regime to disqualify ASSK's NLD party from participating in the election, or moves to disqualify any of the other pro-democracy groups.

¶13. (C) NLD spokesman Nyan Win's assertion that the NLD would accept the results of a "yes" vote on the constitution is significant. It signals that the NLD is preparing for the possible approval of the proposed constitution and preparing to compete in the 2010 parliamentary elections. However, the Uncles' lack of leadership and strategy disagreements with ASSK puts into question their ability to successfully steer the party through what is bound to be a tough fight. End comment.

VILLAROSA